

HOUSE _____ **AMENDMENT NO.** _____**Offered By**

1 AMEND Senate Bill No. 611, Page 1, Title, Line 2, by deleting the word “the” on said line; and

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3 Further amend said bill, page, and title, Lines 3-4 by deleting all of said lines and inserting in lieu
4 thereof the following:

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6 “motor vehicle operation.”; and

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8 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the
9 following:

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11 “301.193. 1. Any person who purchases or is the owner of real property on which vehicles,
12 as defined in section [301.011] 301.010, vessels or watercraft, as defined in section 306.010, or
13 outboard motors, as that term is used in section 306.530, have been abandoned, without the consent of
14 said purchaser or owner of the real property, may apply to the department of revenue for a certificate
15 of title. [Any insurer which purchases a vehicle through the claims adjustment process for which the
16 insurer is unable to obtain a negotiable title may make an application to the department of revenue for
17 a salvage certificate of title pursuant to this section.] Prior to making application for a certificate of
18 title on a vehicle under this section, the [insurer or] owner of the real estate shall have the vehicle
19 inspected by law enforcement pursuant to subsection 9 of section 301.190, and shall have law
20 enforcement perform a check in the national crime information center and any appropriate statewide
21 law enforcement computer to determine if the vehicle has been reported stolen and the name and
22 address of the person to whom the vehicle was last titled and any lienholders of record. The [insurer
23 or] owner or purchaser of the real estate shall, thirty days prior to making application for title, notify
24 any owners or lienholders of record for the vehicle by certified mail that the owner intends to apply
25 for a certificate of title from the director for the abandoned vehicle. The application for title shall be
26 accompanied by:

27 (1) A statement explaining the circumstances by which the property came into the [insurer,
28 owner or purchaser's possession; a description of the property including the year, make, model,
29 vehicle identification number and any decal or license plate that may be affixed to the vehicle; the
30 current location of the property; and the retail value of the property;

(2) An inspection report of the property, if it is a vehicle, by a law enforcement agency pursuant to subsection 9 of section 301.190; and

(3) A copy of the thirty-day notice and certified mail receipt mailed to any owner and any person holding a valid security interest of record.

2. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the latest owner or lienholder was not notified the director shall inform the [insurer,] owner[,] or purchaser of the real estate of the latest owner and lienholder information so that notice may be given as required by subsection 1 of this section. Any owner or lienholder receiving notification may protest the issuance of title by, within the thirty-day notice period and may file a petition to recover the vehicle, naming the [insurer or] owner of the real estate and serving a copy of the petition on the director of revenue. The director shall not be a party to such petition but shall, upon receipt of the petition, suspend the processing of any further certificate of title until the rights of all parties to the vehicle are determined by the court. Once all requirements are satisfied the director shall issue one of the following:

(1) An original certificate of title if the vehicle examination certificate, as provided in section 301.190, indicates that the vehicle was not previously in a salvaged condition or rebuilt;

(2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190 indicates the vehicle was previously in a salvaged condition or rebuilt;

(3) A salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the property as stated in the inspection report. [An insurer purchasing a vehicle through the claims adjustment process under this section shall only be eligible to obtain a salvage certificate of title or junking certificate.]

3. Any insurer which purchases a vehicle, other than a vehicle described in subsection 1 of this section, through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make application to the department of revenue for a salvage certificate of title or junking certificate. Such application may be made by the insurer or its designated salvage pool on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least two written attempts to obtain the certificate of ownership, transfer documents, or other acceptable evidence of title, and be accompanied by proof of claims payment from the insurer, evidence that letters were delivered to the vehicle owner, a statement explaining the circumstances by which the property came into the insurer's possession, a description of the property including the year, make, model, vehicle identification number, and current location of the property, and the fee prescribed in subsection 5 of section 301.190. The insurer shall, thirty days prior to making application for title, notify any owners or lienholders of

1 record for the vehicle that the owner intends to apply for a certificate of title from the director for the
2 vehicle. Upon receipt of the application and supporting documents, the director shall search the
3 records of the department of revenue, or initiate an inquiry with another state, if the evidence
4 presented indicated the vehicle described in the application was registered or titled in another state, to
5 verify the name and address of any owners and any lienholders. After thirty days from receipt of the
6 application, if no valid lienholders have notified the department of the existence of a lien, the
7 department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of
8 the insurer.”; and
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10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.